

Article - Estates and Trusts

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§14.5–910.

(a) Instead of furnishing a copy of the trust instrument to a person other than a beneficiary, the trustee may furnish to the person a certification of trust containing the following information:

(1) That the trust exists and the date the trust instrument was executed;

(2) The identity of the settlor;

(3) The identity and address of the currently acting trustee;

(4) The powers of the trustee in the pending transaction;

(5) The revocability or irrevocability of the trust and the identity of a person holding a power to revoke the trust;

(6) The authority of cotrustees to sign or otherwise authenticate and whether the authentication of all or fewer than all of the cotrustees is required in order to exercise powers of the trustee;

(7) The taxpayer identification number of the trust, unless the taxpayer identification number is also the Social Security number of a settlor; and

(8) The manner and name in which title to trust property may be taken.

(b) A certification of trust may be signed or otherwise authenticated by a trustee.

(c) A certification of trust shall state that the trust has not been revoked, modified, or amended in a manner that would cause the representations contained in the certification of trust to be incorrect.

(d) A certification of trust need not contain the dispositive terms of a trust.

(e) A recipient of a certification of trust may require the trustee to furnish copies of those excerpts from the original trust instrument and later amendments

which designate the trustee and confer on the trustee the power to act in the pending transaction.

(f) A person that acts reasonably in reliance on a certification of trust without knowledge that the representations contained in the certification are incorrect is not liable for the act.

(g) While acting reasonably under the circumstances, a person that enters into a transaction in reliance on a certification of trust may enforce the transaction against the trust property as if the representations contained in the certification were correct.

(h) This section does not limit:

(1) The right of a person to obtain a copy of the trust instrument in a judicial proceeding concerning the trust; or

(2) The right of a title insurance producer or title insurer to obtain a copy of the trust instrument for the sole purpose of determining whether the settlor's interest in real property may be subject to creditors' claims, when the trustee is selling, encumbering, or disposing of the real property and title insurance has been requested for the transaction.

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